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60130-1875
02MRA0457

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-16 are currently pending and stand rejected. Applicant has amended claim 1 and has added claim 17. No new matter has been added.

§ 102 rejections

Claims 1, 4 and 6-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,890,354 to Cooper ("Cooper"). Applicant respectfully traverses this rejection. The Office Action asserted that Cooper shows the claimed braking element 24. Applicant respectfully disagrees.

Cooper teaches a slide 22 that bears four identical spaced wheels 24 that are rotatable and connected to the slide 22 by axles 26 (col. 2, lines 42-49). The wheels 24 therefore cannot be considered braking elements because their free rotation prevents them from securing the slide 22 in a given position. Moreover, Cooper fails to show a structure where a claimed braking element can be engaged with and disengaged from the groove like the claimed invention. Instead, the wheels 24 (which the Office Action erroneously considers the same as the claimed braking elements) are constantly retained within channels 28, 30 and cannot be removed from the channels 28, 30 (Figure 2; col. 2, lines 45-49).

Thus, because Cooper does not disclose the claimed braking element, let alone a braking element that is engageable with and disengageable from a braking groove, Cooper fails to anticipate claims 1, 4 and 6-15. Withdrawal of the rejection is therefore respectfully requested.

Claim 16 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,911,992 to Webb ("Webb"). Applicant respectfully traverses this rejection. The Office Action asserted that Webb discloses a slide 14 having a braking element 30 which pivots in the groove of a guide rail 16, 18 like the claimed invention. Applicant respectfully disagrees.

Webb fails to disclose the claimed invention because the latch unit 14 itself, which the Office Action asserts is the same as the claimed slide, is not pivoted in either a first direction or a second direction. The only portion of the shade 10 in Webb that is pivoted is the latch pawl 30, which extends at least partially into a shaft 26 of the latch unit 14. The latch unit 14 itself, and the shaft 26 in particular, however, remains stationary. Because Webb does not show a slide that

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pivots in first and second directions to engage and disengage at least one braking element from a braking groove. Withdrawal of the rejection is therefore respectfully requested.

Applicant thanks the Examiner for indicating that claims 2, 3 and 5 contain allowable subject matter. However, claims 2, 3 and 5 depend on patentable independent claim 1 and are patentable for the reasons explained above. Claims 2, 3 and 5 are therefore patentable without any amendment.

Applicant has added new claim 17 to define the invention more particularly. Entry and allowance of new claim 17 are respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.


Anna M. Shih

Registration No. 36,372

400 West Maple Road, Suite 350

Birmingham, Michigan 48009

Telephone: (248) 988-8360

Facsimile: (248) 988-8363

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on December 9, 2004.


Beth A. Beard

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